

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13699, of Georgetown University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to allow further processing under an approved campus plan to permit construction of student housing facilities in an R-3 District at the premises 1301 37th Street, N.W., (Square 1226, Lot 822).

HEARING DATE: March 10, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The subject site is located at 37th Street between O and N Streets and is known as premises 1301 37th Street, N.W. It is in an R-3 District.
2. Georgetown University, the applicant, was established in 1789 under a charter granted to it by the Congress of the United States. It is an accredited university and authorized to confer degrees, and qualifies as a university under the Zoning Regulations.
3. In BZA Order No. 10814, dated December 19, 1977, the Board identified the subject site, located on 37th Street between O and N Streets, N.W. in the R-3 District, as Student Residence Village B.
4. The proposed site is now vacant except for a portion used as a parking lot for twenty-six automobiles.
5. The proposed development will provide 360 upper-class and graduate students with housing in rowhouse appearing structures designed to blend with the general architectural character of the Georgetown area.
6. The structures will be facing 37th, N and O Streets, N.W. The rear of these structures will contain open, passive recreational space.
7. The housing facility proposed in the subject application is in conformity with the approved campus plan as to location, architectural style and the number of students to be accommodated.

8. The facility is designed to meet a pressing need of the University for residence facilities for the students.

9. There will be no increase in the enrollment of students at the University as a result of the proposed housing.

10. The gross floor area of existing buildings and buildings under construction on the campus is 3,174,849 square feet, or a floor area ratio of .726. The gross floor area of the proposed Student Residence Village B is 98,000 square feet. The total gross floor area of the University with this building would be 3,272,849 square feet, or .749 FAR. The maximum permitted FAR is 1.8.

11. The University has at present 3,654 parking spaces. The University is required to provide 1,919 parking spaces. The proposed project will eliminate twenty-six parking spaces, but will not affect the number of spaces required.

12. A representative of the University testified that the University has over 1,000 undergraduate students desiring campus housing in excess of the capacity of the present facilities; that the housing in this project will blend into the architectural styles and materials of the Georgetown area; that a prominent local architect was retained for this project; that there will be no increase in the number of students; that traffic to the campus will be reduced by eliminating the daily travel of 360 students to and from the campus; that University regulations prohibit students living on campus from obtaining on-campus parking decals; that the D.C. Department of Transportation will not issue zone parking permits for students; that there will be no increase in traffic due to trash pick-up or maintenance since the University's trucks and personnel now serve the area; that there will be no units for handicapped students since the University currently provides eighty-seven such units which greatly exceeds the demand; that the FAR for the University with the construction of this project is .749 which is well within the 1.8 authorized; that the housing units are designed to keep noise away from the adjacent property and that the provision of this housing will not be objectionable to neighboring property because of noise, traffic, number of students or any other objectionable conditions.

13. The applicant submitted to the record a copy of the campus rules and regulations. These rules outline the enforcement and discipline procedures that will assure compliance with the University's prohibition of automobiles and excessive noise. The Board finds these procedures to be an effective method of enforcement.

14. The project architect testified that the project will be located in the Georgetown area; that it is designed in the Georgetown style of architecture so that it will blend in with the neighborhood; that the project will be built in accordance with all municipal regulations; that the Village will be constructed of energy efficient materials and will have sound insulation; that the project will provide a quiet, passive green area; that the project will not adversely affect the light or air of abutting property owners; that the project will produce a favorable impact to the area because it will remove an existing parking lot; that the plans of the project were submitted to citizen groups in the community and that the project retains the spirit of the approved campus plan in both appearance and scale. The Board so finds.

15. A traffic planning expert testified that his analysis agreed with the Board's finding in BZA Order No. 10814 that Student Residence Village B will not create any adverse traffic impacts and, in fact, there will be positive impacts due to the lessening of traffic and parking occasioned by on-campus living as well as the University's prohibition of student automobiles on campus. The expert also testified as to the current status of other University programs designed to reduce traffic and parking impacts on the area surrounding the campus. Concerning the impact of Village B, the expert testified that the project will reduce the total number of vehicle trips generated by the University by allowing 360 additional students to live on campus with no concomitant increase in total student enrollment. The effect on the immediate neighborhood is further mitigated by prohibiting campus residents from having an automobile on campus. The expert also noted that if the subject site were to be developed as a matter-of-right, there would be approximately thirty-five dwelling units and that these units would generate approximately 280 vehicle trips daily which is ten times the number of vehicle trips Village B will generate. The only traffic to and from Village B will be the University's service vehicles. The Board concurs.

16. The Commission of Fine Arts, by memorandum dated February 16, 1982, reported that the Commission of Fine Arts has approved designs for new residential construction at Georgetown University under Old Georgetown Case #81-157. The geometric arrangement and general designs have been approved subject to further study of the appearance of one oriel projection facing "N" Street. Final approval would be subject to review of final working drawings and material samples after clearance by the Board of Zoning Adjustment.

17. The Office of Planning and Development, by report dated March 5, 1982, recommended approval of the application. A representative of OPD testified at the

hearing that the location and scale of the proposed Student Residence Village B conforms with the provisions of the approved campus plan and that the development will not have an adverse impact on the surrounding neighborhood due to traffic, noise and other objectionable conditions. The Board so finds.

18. The District of Columbia Department of Transportation, by memorandum dated March 4, 1982, stated that the proposed project is consistent with the District's transportation policy and should have no perceptible adverse impact on the surrounding neighborhood streets. The report further stated that Village B will have a positive impact from a transportation standpoint because 130-160 vehicle trips currently being generated by the 360 students now living off campus will be eliminated, there will be no increase in campus enrollment and student vehicles will be prohibited by the University. The Board so finds.

19. There was no opposition to the style, number of units, and general design of the project. A representative of the Citizens Association of Georgetown testified, however, of three concerns of that organization. First, the Association requested that the Board condition approval of the application on the University's strict enforcement of the regulation prohibiting automobiles on campus. Second, the Association requested that the Board stipulate as a condition of approval that the University guarantee that excessive noise levels will not occur. Finally, the Association noted that the architectural plans for this proposed construction indicate that the building will overhang public space along N Street, N.W. and generally encroach on the public walkways on all three sides. It appears that the pedestrian sidewalks will only be five feet wide. The CAG requested that the Board not permit this.

20. Advisory Neighborhood Commission 3A, by letter of March 9, 1982, reported that, at its regular monthly meeting on March 3, 1982, it approved the following resolution with regard to BZA Application No. 13669:

"RESOLVED: Advisory Neighborhood Commission, with respect to the plan submitted by Georgetown University for the construction of student housing facilities at 1301 37th Street, N.W., in Application No. 13669, has two objections:

1. Approval should be denied to all projections beyond the public parking out onto the public sidewalk, which are an unwarranted and potentially dangerous invasion of public space.

2. Before any approvals are granted, the applicant should furnish to the Board of Zoning Adjustment a copy of its policy statements and enforcement standards and policies for: (a) controlling student automobiles; and (b) restrictions on students to assure a quiet atmosphere.

The ANC further reported that in stating its objections, the ANC was of the belief that zoning exceptions and variances are privileges. The applicant has requested the Board of Zoning Adjustment's approval to construct a building that greatly exceeds the allowable density of development in an R-3 District. The ANC believed that its impact on the surrounding neighborhood will be undeniable and detrimental unless the protrusions into public space are deleted and the burden of policing and enforcing parking and noise controls are not placed upon the citizens of western Georgetown.

21. The Board is required by statute to give "great weight" to the issues and concerns of the ANC where a resolution of the ANC is in writing as to such issues and concerns and where the resolution comes from the ANC as a body, not a single member district. In addressing the concerns of the ANC as well as the identical concerns of the Citizens Association of Georgetown, the Board finds that the applicant addressed these issues at the public hearing by submitting a copy of its rules and regulations including enforcement provisions concerning the prohibition of automobiles and noise; by submitting a map of University ownership in the subject square indicating that there are only two other property owners in the square neither of whom objected to the application and by testifying that there are approximately 300 students currently living in compliance with the rules and regulations in University owned housing in the neighborhood. The applicant also introduced evidence concerning the extent of the public projections by testifying that the proposed projections are similar to others in the Georgetown area. Photographs were introduced to support this testimony. The applicant also submitted a letter signed by the D.C. Building Regulations Division stating that the proposed projections of steps into public space comply with Section 311.11 of the Building Code. Further testimony indicated that the projection will not interfere with the public's use of the sidewalk; that the projection is necessary to align the project with other buildings in the area, and that causing the structures to be set back further would create safety hazards for the access of fire vehicles. The Board finds that the ANC issues were

specifically addressed by the evidence. Upon consideration of the concerns, the Board finds that the applicant will comply with its rules and regulations to ensure that the University will prohibit automobiles and excessive noise. As to the extent and nature of all projections into the public space, the Board, as conditioned hereinafter in the granting of the relief, will require that such shall conform to those approved by the Fine Arts Commission.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires that the applicant, through substantial evidence, prove compliance with the requirements of Paragraph 3101.46 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The Board concludes that Georgetown University meets the requirements of a university within the meaning of the Zoning Regulations and that the applicant is in compliance with the Zoning Regulations. Also, the Board concludes that the proposed Student Village B Complex is so located that it is not likely to become objectionable to neighboring property owners because of noise, traffic, number of students or other objectionable conditions and that the proposed complex, when added to all existing buildings and structures on the Campus, does not exceed the gross floor area prescribed for the R-5-B District. The Board further concludes that the relief will be in harmony with the general purpose and intent of the Zoning Regulations and will not, as conditional herein, tend to affect adversely the use of neighboring property.

The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:


1. The residence village shall house a maximum of 360 students.
2. The University shall strictly enforce its campus rules and regulations concerning automobile ownership by students and excessive noise, particularly as such noise affects neighboring property owners.
3. The extent and nature of all projections into the public space shall conform to that approved by the Fine Arts Commission.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT;
Douglas J. Patton not voting, not having heard

the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 10 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.